

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

In re:

JOSEPH DANIEL MCGINLEY

Debtor

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Case No. 13-12583
(Chapter 13)

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MOTION TO CONVERT CHAPTER 13 CASE TO CHAPTER 7

JOSEPH DANIEL MCGINLEY (the “Debtors”), by undersigned counsel, John D. Burns, Esquire, files this Request to Voluntarily Convert this Chapter 13 Proceeding pursuant to 11 U.S.C. § 1307, and requests that the Court enter its standard form of Order Converting the case.

SEEN AND AGREED TO:

/s/ Joseph D. McGinley
Joseph D. McGinley

Respectfully Submitted,

/s/ John D. Burns
John D. Burns, Esquire
The Burns LawFirm, LLC
6303 Ivy Lane: Suite 102
Greenbelt, MD 20770
(301) 441-8780

Counsel for the Debtor

CERTIFICATE OF SERVICE

I certify that on the 24th day of September, 2013, copies of the Voluntary Motion to Convert were served upon the following by mail or electronic mail:

Office of the United States Trustee
6303 Ivy Lane, Suite 600
Greenbelt, MD 20770

Nancy Spencer Grigsby
4201 Mitchellville Road, Suite 401
Bowie, MD 20716

(Matrix of Creditors)

/s/ John D. Burns
John D. Burns, Esquire

Label Matrix for local noticing
0416-1
Case 13-12583
District of Maryland
Baltimore
Tue Sep 24 17:45:29 EDT 2013

GE Capital Retail Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue, Suite 1120
Attn: Ramesh Singh
Miami, FL 33131-1605

OneWest Bank, FSB
c/o Michael T. Cantrell, Esq.
312 Marshall Ave., Ste. 800
Laurel, MD 20707-4808

Aes/rbs Citizens Na
1200 N 7th St
Harrisburg, PA 17102-1419

American Express
American Express Special Research
Po Box 981540
El Paso, TX 79998-1540

American Express Centurion Bank
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

Chase
201 N. Walnut St//Del-1027
Wilmington, DE 19801-2920

Comptroller of the Treasury
Compliance Division, Room 409
301 W. Preston Street
Baltimore, MD 21201-2305

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

McCabe Weisberg & Conway, PC
312 Marshall Avenue
Suite 800
Laurel, MD 20707-4808

OneWest Bank, FSB
888 East Walnut Street
Pasadena, California 91101-1802

OneWest Bank, FSB
PO Box 829009
Dallas, TX 75382-9009

Onewest Bank
Attn:Bankruptcy
2900 Esperanza Crossing
Austin, TX 78758-3658

State of Maryland DLLR
Division of Unemployment Insurance
1100 N. Eutaw Street, Room 401
Baltimore, MD 21201-2201

Supervisor of Delin. Accts.
Rm. 1 Municipal Building
Holliday & Lexington Streets
Baltimore, MD 21202

Us Dept Of Education
Attn: Borrowers Service Dept
Po Box 5609
Greenville, TX 75403-5609

John Douglas Burns
The Burns LawFirm, LLC
6303 Ivy Lane, Ste. 102
Greenbelt, MD 20770-6322

Joseph Daniel McGinley
1426 South Charles Street
Baltimore, MD 21230-4402

Nancy Spencer Grigsby
4201 Mitchellville Road
Suite 401
Bowie, MD 20716-3164

Robert Grossbart
Grossbart, Portney & Rosenberg
One N. Charles Street.
Suite 1214
Baltimore, MD 21201-3720

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
Insolvency
31 Hopkins Plaza
Room 1150
Baltimore, MD 21201

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Deutsche Bank National Trust Company

(du)Deutsche Bank National Trust Company

(u)Deutsche Bank National Trust Company, as T

End of Label Matrix

Mailable recipients 19

Bypassed recipients 3

Total 22

***NOTICE TO INDIVIDUAL DEBTOR
REGARDING CONTEMPLATED CONVERSION TO CHAPTER 7***

You have elected to convert your Title 11 bankruptcy case to Chapter 7 from either Chapter 11, 12, or 13 in order to proceed with personal goals. These goals may include obtaining a discharge in Chapter 7 of your debts without continuing to make payments under a Court administered payment plan, or may include bringing your bankruptcy to a conclusion sooner than the end of your Court administered payment plan would allow. A conversion of a Title 11 bankruptcy case requires consideration of the risks and difficulties which are created by that decision, and this Notice is prepared to ensure that you are making an informed decision:

1. If you own property, and your property has been the subject of a motion for relief from stay, please be advised that any consent Order you entered into prior to conversion to Chapter 7 will be voided by your conversion. Thus, you may lose property in a Chapter 7 that was protected in a Chapter 13.
2. If you own property, and the Chapter 7 Trustee determines that your property has value to an extent where he should open an asset estate, you could lose your property as the Trustee may sell it. No one can predict with any degree of accuracy what measure of equity in an asset will cause the Trustee to declare an asset case.
3. The Trustee, and creditors, have rights in a Chapter 7 that differ from your treatment under a Chapter 13. For example, if you are a high wage earner as defined by the means test (also known as CMI, current monthly income), you may be dismissed as ineligible for Chapter 7 relief. Further, if you have engaged in conduct prejudicial to the estate under a variety of legal theories you may be denied a discharge under Section 727 of the Bankruptcy Code. Other creditors have rights against you as to which their time for filing complaints under Section 523 of the Bankruptcy Code would have expired in Chapter 13. Those rights are created anew for 60 days from the first meeting of creditors in your Chapter 7. Further, although a Chapter 7 Trustee does not have rights to object to your exemptions post conversion, the Chapter 7 Trustee does have the right to seek a valuation of the property and may proceed to attack a claimed exemption by that method after conversion.
4. If you received a Chapter 7 discharge within 8 years from your last filed bankruptcy case (preceding the present case), then you will not be eligible for a discharge. This is different than the periods between a Chapter 7 and a Chapter 13.
5. Chapter 7 is reported to provide more adverse credit reporting than a Chapter 13. Such information is highly subjective and may be subject to change.

I HAVE READ AND UNDERSTOOD THIS ADVISEMENT AND NOTICE OF MY RIGHTS AND THE IMPACT OF MY BANKRUPTCY CONVERSION.

September 24, 2013
Dated

/s/ Joseph D. McGinley
Debtor – Joseph D. McGinley